

# EXHIBIT D

**REDACTED VERSION**

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
SEATTLE DIVISION

KATHERINE MOUSSOURIS, HOLLY MUENCHOW, and )  
DANA PIERMARINI, on behalf of themselves )  
and a class of those similarly situated, )  
Plaintiffs, ) Case No.  
vs. ) 2:15-cv-01483  
MICROSOFT CORPORATION, ) -JLR  
Defendant. )

VIDEOTAPED DEPOSITION OF HOLLY A. MUENCHOW  
June 22, 2016  
Seattle, Washington

Reported by:  
David A. Hart  
CCR No. 2007  
Job No. 277921

1           When I very first started at Microsoft. Well, I do  
2 remember that my skip level was Kory Srock and that he  
3 prob- -- did he -- oh, man. Back in the day. I think he  
4 reported to Jason Zander, but I'm not positive. That might  
5 have been a little bit later.

6 Q. So if Kory Srock was your skip level, who was your direct  
7 supervisor?

8 A. Vince Henderson.

9 Q. And was your salary \$73,000?

10 A. That sounds roughly right. I don't remember the exact  
11 number.

12 Q. You have a general recollection that it --

13 A. It was in the 70s, yeah.

14 Q. Okay. And did you begin working at Microsoft in September of  
15 2002?

16 A. Yes.

17 Q. How did you come to be hired?

18 A. A Microsoft employee came to my college and did recruiting  
19 interviews, and then after that, Microsoft flew me out and  
20 interviewed me on campus, and eventually I got a job offer.  
21 I accepted.

22 Q. Do you remember who the recruiter was?

23 A. No.

24 Q. Did you have any discussions with the recruiter about  
25 Microsoft's interest in hiring women?

1 A. Nope.

2 Q. So that topic of diversity wasn't discussed in any way in  
3 your interview with the recruiter?

4 A. Not to my recollection.

5 Q. Did you have any discussions about Microsoft's interest in  
6 hiring diverse candidates in your subsequent interviews?

7 A. No.

8 Q. Do you remember the interviews?

9 A. Vaguely.

10 Q. What do you remember about them?

11 A. There was a lot of technical questions, including some sort  
12 of puzzle-style questions, and we discussed sort of the  
13 process by which you think through a solution. And also, at  
14 one point, one of the interviewers had a software program  
15 that they had me sort of test to find bugs in.

16 Q. Throughout the years that you've been employed at Microsoft  
17 since 2002, have you always reported up through the  
18 engineering organization?

19 A. Yes.

20 Q. And that includes time in which you were working in test  
21 positions. Those also were within engineering; is that --

22 A. Correct.

23 Q. -- correct?

24 And during the time that you've worked for Microsoft,  
25 have there been various reorganizations that have

reconfigured the engineering organization?

2 A. Yeah.

3 Q. How often has that happened during your employment?

4 A. I haven't really been paying attention to that level of  
5 detail. But usually not every year, I would say. Somewhere  
6 between every year and maybe every four or five years.

7 Q. Have you ever communicated to anyone that every time  
8 Microsoft does a new release, the company reorganizes  
9 engineering?

A. I've heard that comment before.

11 Q. Has that been generally true, in your experience?

12 MS. DERMODY: Object to form.

13 THE WITNESS: Have -- have I experienced  
14 reorgs after releases, absolutely. But I've also experienced  
15 reorgs at other times. So I -- to say that that's the  
16 standard of practice is hard to ...

17 Q. (By Ms. Hermle) Can't tell if you're done yet.

18 A. That's -- that's all I have to say.

19 I mean, I don't know the standard of practice. I -- I  
20 wouldn't necessarily -- I wouldn't necessarily say it's most  
21 times, let me put it that way. It's definitely happened and  
22 it's definitely not happened.

23 Q. In any of the reorganizations that have occurred -- I think  
24 you said between every year and every four or five years --  
25 have there been layoffs?

1 A. I -- so I -- I -- have there been layoffs at Microsoft? Yes.  
2 I don't necessarily notice an association with layoffs and  
3 reorgs.

4 Q. How many different layoffs have you observed during your  
5 Microsoft employment?

6 MS. DERMODY: Object to form.

7 THE WITNESS: By "layoffs," do you mean  
8 like a single employee, or you mean mass?

9 Q. (By Ms. Hermle) That's a good question. I -- I'm referring,  
10 actually, to an event in which multiple employees are laid  
11 off, not how many people do you know who've been laid off.  
12 But have you, throughout the 14 years you've worked for  
13 Microsoft --

14 A. Been aware of layoffs.

15 Q. -- been aware of layoffs of multiple employees at various  
16 different times?

17 MS. DERMODY: Object to form.

18 THE WITNESS: I have been aware of them.  
19 Off the top of my head, I can think of at least three. I --  
20 I believe there probably have been more, but I can only think  
21 of three.

22 Q. (By Ms. Hermle) Did any of the three layoffs that you were  
23 aware of impact the group in which you were working?

24 A. Yes. All three that I think of impacted the group.

25 Q. In the three layoffs you're aware of, what were the years in

1 A. I don't honestly remember exactly what year it changed, but  
2 I'm -- it's something around then, yes.

3 Q. In 2005, were you promoted to Level 59?

4 A. In 2005?

5 Q. Correct.

6 A. I guess it's possible, yeah.

7 Q. Is that your best recollection?

8 A. It was that year, give or take a year or two, yeah.

9 Q. All right. But your first promotion would have been, to the  
10 best of your recollection, from 58 to 59?

11 A. Yes.

12 Q. And it occurred within two or three years after you began  
13 working; is that correct?

14 A. It was more than two years. But yes.

15 Q. Is three years your best estimate?

16 A. That's probably about right. Yeah.

17 Q. And then did you change organizations in 2006, from  
18 engineering to IT/ops?

19 A. Define "organizations." So I still reported to the same skip  
20 level even though my title changed.

21 Q. That's -- that's what I want to ask you about now.

22 A. Yeah.

23 Q. Your title did change from an engineering title to an IT/ops  
24 title; is that correct?

25 A. That is correct.

1 Q. Why did that happen?

2 A. Let's see. In having conversations with my managers and  
3 mentors, I realized that the role that I was in, software  
4 design engineer in test, did not -- it was not exactly where  
5 I wanted to be.

6                   And there was a possibility for me to work on a  
7 slightly different project that required the sort of CSP  
8 skill set. Sorry. CSP -- actually, I don't know what it  
9 stands -- so basically the description -- job description of  
10 an IT/ops person. And -- and that was when I realized what I  
11 wanted my path forward to be, and when that opportunity was  
12 opened up to me, I took it.

13 Q. At any time did you become aware of different compensation  
14 scales for IT/ops versus engineering?

15 A. Yes.

16                   MS. DERMODY: Object to form.

17 Q. (By Ms. Hermle) And what did you learn about that?

18                   MS. DERMODY: Please let me get my  
19 objections in before you --

20                   THE WITNESS: Sorry. Yeah. Sorry.

21                   MS. DERMODY: Thank you.

22                   THE WITNESS: Yep.

23                   Yes, I did learn that.

24 Q. (By Ms. Hermle) And what did you learn about that?

25 A. That IT/ops employees, whatever, people with the title

1       "IT/ops," did not get paid the same as engineering people of  
2       the same level.

3       Q. Did you ever have a conversation with anyone at Microsoft in  
4       which you expressed your interest at retaining a "senior"  
5       title versus moving on to the engineering compensation scale?

6       A. Yes.

7       Q. Who was that with?

8       A. Multiple managers. You want me to list them, I'm guessing?

9       Q. I do, please.

10      A. Let's see. Darla Hershberger, Ken Reppart, Jing Sun. And I  
11       don't specifically recall the conversation, but I imagine I  
12       probably also had the conversation with Adrian Vinca.

13      Q. Why did you have the interest of retaining a "senior" title  
14       versus moving on to the engineering compensation scale?

15      A. Because at Microsoft, there's a cultural tendency to dismiss  
16       people who don't have that "senior" title, and I didn't want  
17       to have to overcome that boundary to getting my words heard.

18      Q. And to be specific, was it your understanding that if you  
19       moved on to the engineering scale with your current  
20       compensation level, you would not have a "senior" title?

21      A. Correct.

22      Q. And was that -- what level was that?

23      A. Must have been -- 62?

24      Q. 61?

25      A. 61? Okay. These numbers. 61, I'm sure. That sounds right.

THE WITNESS: Not -- no, he's not given me -- I don't recall that he's used those specific words.

But, like, the gist of it that I took away was that it was acceptable for my male colleagues to -- to communicate in a more assertive fashion than it was acceptable for me.

Q. (By Ms. Hermle) What did he say or do that led you to believe in his view it was acceptable for your male colleagues to communicate in a more assertive fashion than it was for you?

A. I don't recall the specific conversations, but I recall walking away from meetings feeling like that was the feedback that I was being given.

Q. Do you have any recollection of what he said?

A. This would have been ten years ago. No, I don't recall the specific words of what he said.

Q. Of the various supervisors and managers you've had throughout your Microsoft employment, were there any that did not talk to you about the tone of your communications?

MS. DERMODY: Object to form.

THE WITNESS: There's a -- been a lot, so I couldn't say that I could name all of them.

MS. DERMODY: I'm sorry. Can you repeat the question? I think we're confused.

MS. HERMLE: Yeah. I think you're right.

Q. (By Ms. Hermle) Throughout your Microsoft employment, have



multiple supervisors talked to you about improving the tone of your communications with others?

3 A. Yes.

4 Q. How many?

5 A. I have no idea what the -- the number is. I mean -- let's  
6 see. Okay. I can think of at least three.

7 Q. And who were they?

<sup>8</sup> A. Darla Hershberger, Ken Reppart, Michael Wilmot.

9 Q. And did you attribute Ms. Hershberger's comments about the  
10 tone of your communications to be related in any way to your  
11 gender?

12 A. I interpreted her -- her comments to be reiterating feedback  
13 that she'd received from others that most likely was related  
14 to my gender.

15 Q. And did you believe that she treated you in any way  
16 differently than she treated men, because of your gender?

17 MS. DERMODY: Object to form.

18 | THE WITNESS: Yes.

19 Q. (By Ms. Hermle) In what ways?

20 A. Because men and women are different.

21                   Okay. Let's see. Yes, I do believe men and women are  
22                   treated differently.

23                   What ways did she treat me differently. She had an  
24                   expectation of me, that I am careful about my tone and don't  
25                   offend people, above and beyond what I saw from her



expectations of my male colleagues.

2 Q. Which male colleagues were treated differently on that point?

3 A. Let's see. Early days. Who would it have been back then.

4 [REDACTED], sure. [REDACTED] something. I can't think of his  
5 last name. Oh. I guess possibly [REDACTED]. [REDACTED].

6 [REDACTED], maybe, towards the end there. I think we overlapped.

7 And there was another guy, whose name is not coming to me  
8 right now.

9 MS. DERMODY: This sounds like it's going  
10 to be going into another --

11 MS. HERMLE: Fine. You need a break,  
12 we'll take a break.

13 MS. DERMODY: Thank you.

14 THE VIDEOGRAPHER: One second.

15 We are going off the record. The time is 10:10 a.m.

16 | (A recess was taken.)

18 THE VIDEOGRAPHER: We are going back on  
19 the record. The time is 10:28 a.m.

20 Q. (By Ms. Hermle) Ms. Muenchow, have you given a deposition  
21 before?

22 A. No.

23 Q. As we go through the day, you're going to continue to be  
24 testifying under oath and under penalty of perjury. Do you  
25 understand that?



1 A. Yes.

2 Q. Has Jing Sun ever treated you differently in any way because  
3 of your gender?

4 MS. DERMODY: Objection to form.

5 THE WITNESS: Hard thing to judge.

6 Differently because of my gender. Yeah, I do think she has.

7 Q. (By Ms. Hermle) How has Jing Sun treated you differently in  
8 any way related to your gender?

9 A. She -- well, the gist of it is that she had me arrange team  
10 morale stuff, and I'm not sure that she would have similarly  
11 asked my male colleagues to do so.

12 Q. When did she do this?

13 A. Earlier this year.

14 Q. And what did she do?

15 A. What did she do specifically. I believe she -- if my  
16 recollection's correct, there was an email thread going  
17 around with the leads on her team, and she included me and  
18 said, "I know Holly is passionate about this," and asked if I  
19 wanted to participate, help out. So, singled me out, of all  
20 the other people on her team.

21 Q. What did you understand her to be saying you were passionate  
22 about?

23 A. What did I understand her to be -- I don't know if she used  
24 the exact word "passionate." But -- let's see. I guess that  
25 the team works well together.

1 Q. Is that something that matters to you?

2 A. Yes.

3 Q. Were you harmed in any way by this different treatment by  
4 Jing Sun?

5 MS. DERMODY: Object to form.

6 THE WITNESS: Not -- there are no  
7 specific instances I can think of that are, like, explicitly  
8 like -- certainly no physical harm.

9 Q. (By Ms. Hermle) I'm not asking you about that. Let me  
10 restate my question.

11 A. Okay.

12 Q. I'm not asking you if you've been physically harmed by Jing  
13 Sun.

14 A. Okay.

15 Q. I presume I'd know about that by now.

16 But has she treated you in -- has Jing Sun treated you  
17 in any way that has negatively impacted your employment at  
18 Microsoft?

19 MS. DERMODY: Object to form.

20 THE WITNESS: Well, I'm not -- I'm  
21 unclear about who was responsible for promotions during the  
22 June to September time frame -- I'm not really sure exactly  
23 when promotions get officially decided -- of 2015, I guess I  
24 would say. If that was technically her responsibility, then  
25 yes, I would say she harmed me.

1 Q. (By Ms. Hermle) So are you saying that you believe you  
2 should have been promoted to a Level 63 earlier than you  
3 were?

4 A. Yes.

5 Q. And you believe you should have been promoted to a Level 63  
6 effective September of 2015?

7 A. If not sooner. Yes.

8 Q. How much sooner should you have been promoted, in your mind,  
9 to a Level 63?

10 A. I don't know. I know for sure that I definitely felt like I  
11 was deserving in that time frame. How much sooner before  
12 that I was deserving is a difficult thing for me to judge  
13 because I'm not really aware of other people who got promoted  
14 in the -- well, I guess there was -- there was a person who  
15 got promoted somewhere in that time frame.

16 That's a hard thing to -- okay.

17 MS. DERMODY: If you need to take a  
18 moment to think about the question --

19 THE WITNESS: Yeah.

20 MS. DERMODY: -- feel free.

21 THE WITNESS: I think I did, at points  
22 prior to my leave that started in June of 2014, feel like I  
23 should get promoted, like I was deserving of being promoted.  
24 I -- I can't really -- exact time frames and when those  
25 thoughts occurred to me, I'm not really sure.

1 Q. (By Ms. Hermle) Do you believe that Jing Sun failed to  
2 promote you in September of 2015 for any reason related to  
3 your gender?

4 MS. DERMODY: Object to form.

5 THE WITNESS: I -- so I don't know that  
6 she was responsible for the promotions at that point.

7 Q. (By Ms. Hermle) Right. So I'm trying to explore what you  
8 said, that she's harmed you. And I'd like to understand what  
9 your testimony is.

10 With respect to the failure to get a promotion to  
11 Level 63 in September of 2015, regardless of whether it was  
12 Jing Sun or someone -- someone else --

13 A. Okay.

14 Q. -- are you aware of any facts that suggest the failure to get  
15 the promotion at that time was related to your gender?

16 A. That's --

17 Specific facts. Okay. That's definitely my  
18 impression. But specific facts that relate to that. Let me  
19 think.

20 I think inasmuch as the feedback that I received, the  
21 end-of-year feedback process related to that promotion, I  
22 felt like some of that was gendered, would -- would have been  
23 provided differently to my male colleagues. And so as much  
24 as that feedback fed into the promotion process, yes.

25 Q. What feedback are you saying was gendered?

1 | that feedback that you asked me about.

2 Q. At any time in your Microsoft employment, did you receive  
3 feedback, regarding your communications with others, that you  
4 considered to be not gendered?

5 A. Again --

6 MS. DERMODY: Objection. Asked and  
7 answered.

15 Q. (By Ms. Hermle) During your employment with Microsoft, you  
16 understood that there were periods of time that Microsoft was  
17 evaluating the "how" in performance reviews; correct?

18 A. Correct.

19 Q. And you believe that you were unfairly criticized for the how  
20 in your reviews because of your gender; is that correct?

21 A. It's a little bit more nuanced than that because ...

22 That's a complicated question.  
23 Repeat the question one more time.

24 | 0 Yes

25 My question was: You believe that you were unfairly



1           criticized for the how in your reviews because of your  
2         gender; is that correct?

3         A. I'm not sure that the criticism I received was relating to --  
4           quote, to the how that Microsoft was supposedly evaluating.

5         Q. If I understand your answer, you believe that you've been  
6           subjected to unfair, gendered criticism in ways other than  
7           analysis of the how? Is that correct?

8         A. I couldn't say whether or not those criticisms were  
9           specifically the analysis of the how or not. They weren't  
10          necessarily grouped.

11        Q. When you say that the question of criticism is -- because of  
12          your gender -- is nuanced, what do you mean?

13        A. That it can be challenge -- that -- okay. So I guess what I  
14          mean is that it's not that I receive criticism that my male  
15          colleagues don't. I think it's more to the degree in which I  
16          receive it.

17           So certainly there are times that, say, for example,  
18          male colleagues have received criticism that they're too  
19          assertive, but they receive that for behavior that's way out  
20          of proportion to the kind of behavior that I exhibit that  
21          then I receive the criticism for being too assertive, whereas  
22          I see male colleagues doing the same behavior I do, of  
23          assertiveness, and getting promoted and/or positive feedback  
24          for that.

25        Q. And who are you referring to?

1 A. [REDACTED].

2 Q. And what was his conduct that was significantly more  
3 assertive than yours?

4 A. Also [REDACTED].

5 But let's see. The interrupting people, standing up  
6 for sort of passionate -- in standing up for belief about  
7 both the best way to -- sort of the best way to do things and  
8 the important technical topics.

9 Q. And who is the supervisor he was reporting to when he got the  
10 promotion you're referring to that was faster than your  
11 promotion?

12 A. I don't know that [REDACTED] had a faster promotion than I  
13 did.

14 Q. So are you telling me that his progression at Microsoft has  
15 been faster or higher or stronger than yours in some way?

16 A. I don't know the specifics of his progression at Microsoft.  
17 My perception is that despite being at a higher level at  
18 times, he was -- no. He was -- yeah. He was -- what am I  
19 trying to say? His behavior was at a lower level, I guess I  
20 would say, and yet he was still given positive feedback to  
21 continue that and not called on it.

22 Q. How do you know he was given positive feedback?

23 A. I don't know. That was my perception.

24 Q. Based on what?

25 A. His career path, that he -- his manager at the time asked him

1 to come join him at another company when they left.

2 Q. And who are you referring to as the manager?

3 A. David Mortenson.

4 Q. And with respect to [REDACTED] -- you said also [REDACTED].

5 A. [REDACTED].

6 Q. Oh. Sorry.

7                   Actually, before we get to [REDACTED]. You said that  
8 [REDACTED] behavior was at a lower level. What did you mean by  
9 that?

10 A. I feel like there should be a better word than "immature,"  
11 but that's kind of my perception.

12 Q. What did you mean by that?

13 A. Inappropriately emotional.

14 Q. What did he do that leads you to believe that?

15 A. Exhibited signs of anger in a -- sort of an aggressive way.

16 Q. In what setting?

17 A. A meeting.

18 Q. And what did he do in that meeting, that you're  
19 characterizing as signs of anger in a sort of aggressive way?

20 A. Interrupting and raised voice.

21 Q. What was the topic?

22 A. The best way to get something done probably. This is a  
23 little while ago, so I'm not sure I remember the specific  
24 conversation. But -- yeah. I mean, it was about efficiency,  
25 that much I remember.

1 Q. And what year was that?

2 A. Two thousand -- probably 2010, give or take a little bit.

3 Q. And you said also [REDACTED]. What did you mean by that?

4 A. That [REDACTED] has a very assertive, curt way of  
5 communicating. And when I feel like I've communicated in --  
6 well, actually, sorry. Can you say -- what about [REDACTED]  
7 [REDACTED] you said I was referencing?

8 Q. You said also [REDACTED] when I was asking you specifically  
9 about other men. And you just put that in your answer about  
10 [REDACTED]. I was asking you for examples of men who had not  
11 gotten the feedback that you'd gotten, and you said [REDACTED] and  
12 [REDACTED] -- also [REDACTED].

13 A. Yeah. [REDACTED] and -- [REDACTED] and I have had conversations about  
14 his curt and sort of dismissive conversation style and how he  
15 can get away with it and I can't, and times when I  
16 communicate in that way, I get called on it and he doesn't.

17 Q. My question was, how do you know that he was not called on it  
18 or didn't get feedback about his communication style?

19 MS. DERMODY: Objection.

20 THE WITNESS: My recollection is that  
21 it's conversations with him that he's provided me that  
22 information.

23 Q. (By Ms. Hermle) What did he tell you about that?

24 A. Again, we're talking about how many years ago? I don't  
25 recall the specific conversations, but I remember sort of

specifically walking away with it -- with the impression that he was allowed to communicate in a style that I was not allowed to.

Q. And what year was this in which you had this conversation in which he gave you the impression that he was allowed to communicate that way?

A. 2012, maybe.

Q. Did you ever have a direct supervisor at Microsoft who did not treat you in some gendered way?

MS. DERMODY: Object to form.

THE WITNESS: "Some gendered way."

Q. (By Ms. Hermle) Let me rephrase that, because when you repeat it, it makes me think you have an issue with understanding what I'm trying to communicate.

A. Okay.

Q. Throughout the years you've worked at Microsoft, was there ever a direct supervisor who did not treat you differently because of your gender?

A. And again, I'll reiterate what I said before. I feel like everybody gets treated uniquely. How much or not I can or can't attribute that to my gender is difficult for me to assess.

Q. I understand. But was there ever a supervisor who didn't treat you differently in some way because of your gender?

A. I feel like all my supervisors have treated me differently.



1 Whether or not that was due to my gender is hard for me to  
2 assess.

3 Q. So was there ever a supervisor you had who you believe  
4 treated men and women equally during the time they supervised  
5 you?

6 MS. DERMODY: Object to form.

7 THE WITNESS: I don't ever feel like  
8 there was a supervisor that treated all the people who  
9 reported to them identically regardless of their  
10 similarities, whether that be gender or something else.

11 Q. (By Ms. Hermle) My question actually wasn't identically; it  
12 was equally.

13 A. Okay. Equally?

14 Q. Yes. Do you want me to repeat it for you?

15 A. No. Let me think about it.

16 MS. DERMODY: Object to the form.

17 THE WITNESS: I think it's a really hard  
18 thing to assess, because there's rarely been a situation  
19 where I've had a manager where there have been sort of large  
20 numbers of both men and women reporting to them where you can  
21 sort of assess them as a class, let's say. So saying that  
22 the difference in treatment was due to the gender, I -- I  
23 just don't know.

24 Q. (By Ms. Hermle) What would you look at to determine whether  
25 the difference in treatment was due to gender?

- 1 Q. (By Ms. Hermle) When did you first see this, Exhibit 2?
- 2 A. In its fully printed form? I believe after I returned from
- 3 maternity leave.
- 4 Q. Is this the Connect that Mr. Reppart gave you after you
- 5 returned from maternity leave?
- 6 A. To my best recollection, it looks like it, yes.
- 7 Q. So is this the one that you would have been discussing with
- 8 him in the meeting you've been telling me about in which he
- 9 used the gender terms "cheerleader" and the word like
- 10 "aggressive"?
- 11 A. Almost. He didn't use the word "cheerleader" in that
- 12 specific meeting. But yes.
- 13 Q. You list here on the fourth page of this that you had many
- 14 personal distractions that hurt your ability to focus on work
- 15 and you don't feel like you delivered as high quality or
- 16 complete of work as -- as you -- you did, you say. Do you
- 17 see where I'm referring to? I'm on Page 4.
- 18 A. Yes, I see that section.
- 19 Q. What were you referring to in terms of the personal
- 20 distractions?
- 21 A. Pregnancy.
- 22 Q. Under "Going Forward" on Page 5, you talk about expecting to
- 23 be on leave for most of the coming period. Was this review
- 24 discussed with you before your leave?
- 25 A. No. I submitted it prior to my leave, but we never discussed

1           it till after I got back.

2 Q. Is there anything in this review that you believe to be  
3        unfair or gendered?

4 A. Okay. (Witness reviews document.)

5           Yes.

6 Q. What is that?

7 A. That -- on Page 4, at the bottom, the last paragraph.

8 Q. Which -- what about that?

9 A. Let me -- the -- the whole paragraph.

10 Q. What about that is gendered or unfair?

11 A. That it is criticizing me for my assertiveness in a way that  
12      I don't believe that my male colleagues receive.

13 Q. Which male colleagues didn't receive that?

14 A. I don't have specific insight into what the performance  
15      evaluations of my male colleagues said. But as stated  
16      previously, in conversations, for example, with [REDACTED], my  
17      perception is that he does not receive the same gendered  
18      feedback.

19 Q. Are you aware of any way in which [REDACTED] is treated  
20      better than you in terms of his reviews, compensations, or  
21      promotions?

22                   MS. DERMODY: Object to form.

23                   THE WITNESS: I am aware that he -- I'm  
24      not aware of the specific -- let me think. I have a belief  
25      that he makes more money than me. The facts behind that are

1 because of my general perception of what people in his title  
2 make.

3 Q. (By Ms. Hermle) And what is the title he has that's  
4 different from your title?

5 A. I'm not sure what his current title is, but his title at the  
6 time that I recall was senior software design engineer in  
7 test.

8 Q. And what year was that, that you're referring to, that he had  
9 this different title with more money associated with it?

10 A. 2013.

11 Q. Are you aware of any facts that suggest that his treatment  
12 has been better than yours because of gender?

13 MS. DERMODY: Object to form.

14 THE WITNESS: I mean, like, I think --  
15 again, like, I don't -- I don't know that I can -- I have  
16 specific data that says that gender was the reason why he was  
17 treated better.

18 Q. (By Ms. Hermle) If you could look on Page 4 there. Above  
19 the paragraph that you've described as unfair, he says, "In a  
20 central role that's all about informing and coordinating it's  
21 important to be consistent in your communication so others  
22 can depend on getting information from you in a timely  
23 manner."

24 Throughout your Microsoft employment, had you been  
25 criticized for going dark or not being regular in your

1           higher level or you should have had a promotion to Level 59  
2           faster than you did?

3                         MS. DERMODY: Object to form.

4                         THE WITNESS: Both, which is to say that  
5                         I believe that when I was hired I was performing at the --  
6                         Level 59, and either I should have been hired at that or  
7                         gotten that promotion immediately, one or the other.

8 Q. (By Ms. Hermle) Okay. And who would have been the  
9                         supervisor who should have given you that promotion earlier  
10                         than you actually received it?

11                         MS. DERMODY: Object to form.

12                         THE WITNESS: Vince Henderson.

13 Q. (By Ms. Hermle) And in what year should you have received  
14                         the promotion to Level 59, in your view?

15 A. One of the early ones.

16 Q. What year?

17 A. I guess whenever I was first evaluated for promotions. I'm  
18                         not aware of exactly what time frame the first promotion  
19                         evaluation would have happened.

20 Q. And are you aware of any facts that suggest that Vince  
21                         Henderson did not promote you when you believe you should  
22                         have been promoted in any -- for any reason related to your  
23                         gender?

24 A. The only conversation that I vaguely recall from back then  
25                         was one with him where he alluded to believing that I was

1 ready for promotion but was hard -- having a hard time  
2 getting it through the system.

3 Q. What did he say about that?

4 A. That's all I recall, what I just said.

5 Q. Did you attribute that in any way to your gender?

6 A. At the time? I didn't know -- understand the system or know  
7 what to think. Now? I do.

8 Q. Based on what?

9 A. Based on my understanding of the competitive process that was  
10 applied at that time and that I know of male colleagues in  
11 the same time frame -- I don't know specifically the dates of  
12 their promotions, but I know that they got promoted in that  
13 first couple of years, when I did not.

14 Q. So you're talking about 2003?

15 A. I'm talking about, yeah, 2002, 2003, and probably 2004 too.

16 Q. And who were these male colleagues?

17 A. [REDACTED], [REDACTED], [REDACTED] something. I  
18 don't remember the last part of his name. Let's see. There  
19 were other colleagues that started a little bit later that  
20 I'm also aware of sort of a faster promotion velocity, but I  
21 don't recall if it started then or if it was in later years.  
22 Those colleagues include [REDACTED], [REDACTED], [REDACTED]  
23 [REDACTED] -- [REDACTED]. Those are the ones that are coming  
24 to mind right now.

25 Q. When is the last time you looked at any documents to refresh

1                   your recollection for this deposition?

2                   MS. DERMODY: Object to form.

3                   THE WITNESS: Well, you handed me some,  
4                   so those documents, I looked at today. Other than those, I  
5                   can't -- yesterday, I guess.

6 Q. (By Ms. Hermle) And were there any other promotions you  
7                   believed you should have received faster than you received  
8                   them?

9 A. Yes. Also -- let's see. The -- so that one was the  
10                  promotion to Level 59, and so then also the promotion -- no.  
11                  No. That was -- yeah. Okay. So then also the promotion to  
12                  60 as well.

13 Q. And when should you have received that?

14 A. Potentially six months to a year sooner. I don't know.

15 Q. In what year?

16 A. I don't recall the year. I don't even recall the year that I  
17                  got the 60 promotion, so -- it was early two thous- -- I  
18                  mean -- sorry. It was before 2010 and it was after 2004.

19 Q. You said earlier that you now understand there's a  
20                  competitive process with respect to promotions. What are you  
21                  referring to?

22 A. I was told once -- I don't recall the source -- that there is  
23                  a limited number of seats each time for promotions -- I don't  
24                  know if this is still true to -- true today. I probably  
25                  heard that -- was told that comment in 2010, give or take a

- 1 A. They believe that at Microsoft there's a different  
2 expectation for the way men and women should behave.
- 3 Q. For the way men and women should behave at Microsoft.
- 4 A. Or in -- in terms of, yeah, the communication style that's  
5 acceptable, that's considered acceptable.
- 6 Q. Okay. And what facts are you aware of that suggests that  
7 Alain Raitt is a person who has a different expectation for  
8 the way men and women should behave at Microsoft?
- 9 A. We've had conversations about how perception in terms of  
10 communication style is important to performance reviews. And  
11 in addition, we've also had conversation in which we  
12 discussed how men and women can be perceived differently  
13 given the same behaviors.
- 14 Q. So what I'm trying to ask you is, what makes you believe that  
15 Alain Raitt expects men to behave -- women -- expects women  
16 to behave differently from men? Why does he have  
17 different -- what facts are you aware --
- 18 A. Oh. I don't believe that he -- I believe that he -- that --  
19 that women need to behave in a certain sort of narrow set of  
20 appropriateness in order to succeed at Microsoft and that  
21 those expectations are different from what the set of  
22 behaviors are considered appropriate in getting ahead for  
23 men.
- 24 Q. So just to be clear: Your perception is that Alain Raitt  
25 believes that women must behave a different way than men do

1 to succeed at Microsoft?

2 A. No. I believe that there's a different band of appropriate  
3 behaviors, that -- that men are allowed to do some things and  
4 still get ahead, at Microsoft, that women are not allowed to  
5 do. Like, for example, interrupt other people or have a more  
6 aggressive communication style.

7 Q. Do you have any reason to believe that Mr. Raitt is a person  
8 who condones interrupting or aggressive communication styles  
9 in the men who report to him?

10 MS. DERMODY: Object to form.

11 THE WITNESS: I believe that he has given  
12 glowing -- okay. Let me rephrase that. I know of men who  
13 interrupt, who report to him, who have received promotions  
14 under his -- under his management and at a faster velocity  
15 than similarly behaving women.

16 Q. (By Ms. Hermle) So based on that, you conclude that he  
17 condones their aggressive communication style?

18 MS. DERMODY: Object to form.

19 THE WITNESS: I again don't quite know  
20 what you mean by "condone," but I will say that I -- it -- my  
21 impression is that he does not provide it as feedback that's  
22 holding them back to a promotion.

23 Q. (By Ms. Hermle) What is that impression based on?

24 A. The fact that they have progressed at a faster velocity in  
25 promotions and receive greater pay than their female

1           colleagues who act similarly.

2 Q. Can you confirm that Exhibit 12 -- I don't think I've asked  
3        you this yet. Let me double-check.

4           Oh. Yes, I have. You've confirmed Exhibit 12 for me.

5           Is there any other gender feedback from  
6        Ms. Hershberger --

7 A. Yes --

8 Q. -- in this --

9 A. -- there is.

10 Q. -- performance review?

11           What is it?

12 A. The -- the last paragraph on Page 8.

13 Q. And what about that is gendered?

14 A. I think the calling -- referring to me as a pit bull is  
15        gendered.

16 Q. Why is that?

17 A. Because pit bulls have a reputation for being overly  
18        aggressive and violent. And I believe that my similar  
19        behaviors to my male colleagues were labeled negatively,  
20        overly aggressive, in a way that my male colleagues with  
21        similar behaviors don't get that feedback.

22 Q. You also believe that you've been criticized for aggressive  
23        communications towards female colleagues; is that correct?

24 A. Say the sentence -- the question again?

25 Q. Yeah.

1 sort of physical hard-copy documents related to Microsoft  
2 stuff, that might be in my possession in my office.

3 Q. I don't want to know what you talked to your attorneys about  
4 or what you communicated, but have you provided all personal  
5 emails that relate in any way to your employment at Microsoft  
6 regardless of whether you did it after your search or whether  
7 you gave your attorney --

8 A. My -- my understanding is there should be a complete  
9 collection of that, that the vendor -- that the attorneys  
10 collected from. I gave them access to my account in order to  
11 provide that.

12 Q. Have you finished telling me of all the gendered comments in  
13 the performance review for fiscal '12, Ms. Muenchow?

14 A. Let me finish reading it.

15 Q. And that's Exhibit 13; right? That's what you're on?

16 A. Yes, I'm on Exhibit 13.

17 The last sentence in the middle paragraph of Page 8.

18 Do you want me to read it?

19 Q. Yes. Please.

20 A. "Holly is also a generally collaborative person, but we've  
21 talked about the need to work on ensuring conflicts don't  
22 escalate by trying some techniques such as acknowledging  
23 other's perspectives and showing appreciation for their  
24 contribution."

25 Q. And how is that gendered?

1 A. My perception is that my male colleagues don't like to be  
2 criticized or called wrong and are overly sensitive when a  
3 woman does that and -- to a degree that they aren't for men  
4 when men call them, challenge their correctness. And so the  
5 fact that it's negatively reflected in my feedback is  
6 gendered and unfair.

7 Q. Can you tell me any of the reviews in which those comments  
8 about your communication style or collaboration actually  
9 impacted your overall rating?

10 A. My perception is that all my review feedback impact my  
11 ratings.

12 Q. Can you point me to any reviews in which it adjusted your  
13 rating lower than what it would otherwise have been?

14 MS. DERMODY: Objection. Asked and  
15 answered.

16 THE WITNESS: I don't have specific  
17 visibility into which pieces of what performance review  
18 affect the overall rating. But since -- since -- in -- in  
19 multiple reviews, it's the main -- it's one of the main  
20 points that's called out as a negative. So my perception is  
21 that I would have gotten the highest score without that being  
22 called out at times.

23 Q. (By Ms. Hermle) And when you say "the highest score," what  
24 type of score are you referring to?

25 A. Whatever was considered the best score at the time of the

1 review. So whether that would be, you know, like -- I think  
2 at times it was "exceeds" and at times it was the number 1.

3 Q. And what year would you have received number 1 without that  
4 criticism, in your review?

5 A. We're going to be here a long time to answer that question.

6 Q. Can you just point out for the record what you're looking at,  
7 Ms. Muenchow.

8 A. Yeah. I pulled out Exhibit 14, which was -- it's not very  
9 helpful.

10 Q. Okay. I don't think we've looked at 14 yet --

11 A. Nope.

12 Q. -- have we? Okay. Can you --

13 MS. DERMODY: Before you do that, do you  
14 want to finish up on this one here --

15 MS. HERMLE: Sure. I'm happy to do that.

16 Q. (By Ms. Hermle) Are there any other gendered comments -- I  
17 thought you told me there was one more. But it -- are there  
18 any other gendered comments in 13?

19 A. At the very bottom of Page 9.

20 Q. Um-hmm.

21 A. "I hope to help Holly solve the 'How' issue because it's  
22 clear she has the other skills needed to be very successful  
23 and I don't want anything to hold her back."

24 Q. And how is that gendered?

25 A. My perception is that part of the how is an expectation on

1       your communication style and, like stated previously, that  
2       the bar to which women are held is different.

3       Q. So going back to my question about when you would have  
4       received the highest rating but for these criticisms. In  
5       2010, as you told me --

6       A. Actually -- sorry.

7       Q. Yeah.

8       A. Do you want all of the gendered feedback in this review?

9       Q. Yes.

10      A. Okay.

11      Q. That's why --

12      A. Then let me finish. Then let me finish. I haven't finished  
13       reviewing all of it. Sorry.

14                  Yes. There's a sentence in the middle of the paragraph  
15       on Page 9, the first paragraph, that states, "In the IT  
16       Operations calibration discussion, it was clear that Holly's  
17       impact is very high relative to her peers, but the 'How'  
18       brought her down into the 3's."

19      Q. Okay. Anything else?

20      A. Just a second.

21                  That's all I'm seeing at this time.

22      Q. You were telling me earlier that but for these criticisms of  
23       your communication style and collaboration, you would have  
24       had the highest ratings on your review. In 2010, you told me  
25       Ms. Hershberger gave -- gave you an overall rating of

1       "achieved." So you believe you would have received an  
2       "exceeded" in 2010?

3                     MS. DERMODY: Which one is that?

4                     THE WITNESS: Yeah. Let me pull that  
5       out. I think that's -- Exhibit 11? Am I right?

6                     MS. DERMODY: Is that correct for you,  
7       Lynne? Number 11?

8                     MS. HERMLE: Yes, it is.

9                     THE WITNESS: Yeah, that's my perception  
10       of -- of -- yeah, that I should have received a higher score  
11       in 2010.

12      Q. (By Ms. Hermle) So that would have been an "exceeded";  
13       correct?

14      A. As I recall the way they did the ranking in 2010, there were  
15       three levels, and there was something along the lines of  
16       "under-" -- "underachieved," "underperformed," I guess,  
17       something like that; "achieved"; and then something else,  
18       which the word probably was "exceeded." So yes.

19      Q. And so in 2011, you received a 4 from Ms. Hershberger. Is it  
20       your belief you would have received a 1 but for the criticism  
21       of your communication style and collaboration?

22      A. My perception for the year of 2012 was that  
23       Mrs. Hershberger -- I believe that was one of the  
24       contributing factors for it, but -- the communication style.  
25       I also feel like the guidance for managers to handle leaves

1                   is maybe not clear.

2                   MS. DERMODY: You were asked a question  
3                   about 2012 -- 2011. You answered about 2012. Were you  
4                   answering about 2011? Just to make sure we don't switch it  
5                   on the errata.

6                   THE WITNESS: We're talking about  
7                   Exhibit 13?

8 Q. (By Ms. Hermle) No. I had asked you about fiscal year '11.  
9                   So that would be Exhibit 12.

10 A. Maybe I'm looking at the wrong one. Let me pull that out.  
11                   Where is it? Ah. There it is.

12                   Okay. So this was given to me in -- yeah, this was  
13                   after my leave for falling ill. Yeah. And I believe that  
14                   that was not properly accounted for in my review.

15 Q. So because of your leave and because of your communication  
16                   and collaboration criticism -- or but for both of those  
17                   things, you would have had a 1? Is that your testimony?

18 A. It certainly would be a lot higher. I mean -- yeah. I mean,  
19                   I think it might have been a 1. Yeah.

20 Q. And for 2012 -- and that would have been --

21 A. Exhibit 13.

22 Q. -- Exhibit 13 -- for which you got a 3, your belief is, that  
23                   but for the criticisms on collaboration and communication,  
24                   you would have received a 1?

25                   MS. DERMODY: Object to form.

Q. (By Ms. Hermle) Why a 2 rather than a 1?

- A. Because I had an explicit conversation with Heather about how to not overdeliver that year and allocate some of my resources to personal time. And so we had some conversations about how I could contribute less and yet still succeed at Microsoft.

Q. And what did you and she discuss about that topic? Was the conversation about your time off, Ms. Muenchow, or was it about something else?

A. No, it wasn't about time off. It was about sort of deliverables and not -- not -- I mean, the -- the culture at Microsoft is not that you work 40 hours a week; it's that you work more than that to do what you need to do to get stuff done. And so my goal in that year was to do what I needed to do to get stuff done but not get ahead. And so that was -- I think I overachieved that, unfortunately, and -- and I think I deserved a 2.

But I certainly had conversations about her when -- if I was considering overtime, if it was really necessary.

Q. And when you say you deserved a 2, you're talking about fiscal year '12 as reflected in Exhibit 13; is that correct?



1 A. Yes.

2 Q. Could you look at Exhibit 14, please, and confirm for me  
3 that's a fiscal year check-in for -- I'm sorry -- that's a  
4 fiscal year '13 check-in.

5 A. Yes, it's a fiscal year '13 check-in.

6 Q. And just because I think we may run out of time,  
7 Ms. Muenchow -- and your attorneys and I can talk -- your  
8 attorneys and I can speak about that off the record. But  
9 I -- I want you to go through these next documents and just  
10 be sure you confirm for me what they are.

11 So we've looked at Exhibit 14. If you could look at  
12 Exhibit 15 and confirm for me that's your fiscal year '13  
13 annual performance review.

14 A. Yeah, that's what it looks like, the fiscal year '13 annual  
15 performance review.

16 Q. Are you aware of any specific policies at Microsoft which  
17 concern expectations regarding communication or  
18 collaboration?

19 A. I am aware that they're listed as one of the Microsoft  
20 competencies.

21 Q. Where are they listed?

22 A. On a web page that talks about core skills/competencies at  
23 Microsoft.

24 Q. And did any of those policies impact your lower scores?

25 MS. DERMODY: Object to form.

THE WITNESS: Those policies. I'm not sure if this is really answering your question, but I will say that inasmuch as my managers applied -- applied any policies to assessing core competency/skills, that the scale at which they measured my core competencies in those areas was different than that they applied with my male colleagues.

Q. (By Ms. Hermle) So it was the application of the policy rather than the policy itself?

MS. DERMODY: Object to form.

THE WITNESS: I am not aware of what the communications were with my manager that told them how to apply the policies or what the policies were, so I -- I can't speak to that.

Q. (By Ms. Hermle) Could you look at Exhibit 15. I think you -- I think you actually -- I'm not sure if I've asked you this. Is that 15 in front of you there?

A. Yes. You asked me. It is my FY '13 --

Q. Okay. Great.

And now if you could look at Exhibit --

A. 16?

Q. -- 16.

A. Yes.

Q. And my question for you, once you've had a chance to look at it, is going to be is that your signature on the very last page of Exhibit 16.



1 Q. Can you look through this and tell me if these other pages  
2 look familiar to you as part of the HRWeb you had available  
3 to you at Microsoft.

4 You know what, Ms. Muenchow? I'm worried enough about  
5 time that I'm going to withdraw that question --

6 A. Okay.

7 Q. -- and ask you to look at Exhibit 18, which may not be marked  
8 yet. And then we'll take a short break.

9 (Exhibit 18 marked

10 for identification.)

11  
12 THE WITNESS: Okay. Exhibit 18?

13 Q. (By Ms. Hermle) Do you recognize that?

14 A. It appears to be a résumé that I was working on.

15 Q. For what purpose were you creating this résumé?

16 A. This one specifically, I'm not sure. I was told at one point  
17 that it's a good plan to always have a résumé updated and  
18 ready to go should you desire it. A good practice. I don't  
19 know if -- I don't know if this was created with a specific  
20 purpose in mind.

21 Q. And who did you list as references?

22 A. Darla Hershberger and Alain Raitt.

23 Q. Do you know why you sent this to yourself in March of 2013?

24 A. I do not recall, but it's my habit to send stuff to myself if  
25 I plan on working at it at home.

1 Q. Before we leave this line of questions, if you could look at  
2 Exhibit 15. That was the fiscal year annual performance  
3 review you received from Mr. Vinca with an overall  
4 performance rating of 2. Is it your belief, that but for  
5 your communication and collaboration criticisms, you would  
6 have received a 1 on this review?

7 A. I definitely believe that I deserved a 1 on this one. And I  
8 definitely believe that my communication style was one of the  
9 contributing factors that made that a 2.

10 I -- I think that there was also sort of a larger  
11 expectation here, that as one of the senior females on the  
12 team, that I was supposed to sort of keep the team cohesive  
13 during this year, in a time when there was a lot of confusion  
14 with management, and my efforts in that space were not  
15 acknowledged the same way that my male colleagues got  
16 acknowledgment of their efforts in that space.

17 Q. And what facts are you aware of that lead you to that  
18 conclusion?

19 A. The fact -- you know what? I'm going to have to read the  
20 whole thing to recall the details.

21 (Exhibit 19 and Exhibit 20  
22 were marked for identification.)

23  
24 THE REPORTER: Exhibits 19 and 20.  
25 ///

(Exhibit 21 marked  
for identification.)

THE REPORTER: Exhibit 21.

(Exhibit 22 marked  
for identification.)

THE REPORTER: Exhibit 22.

THE VIDEOGRAPHER: We've been on the  
es.

MS. HERMLE: How much time do we have?

left.

THE WITNESS: There are two pieces that I  
feel like contributed to that

One is the fact that Adrian was brought in as my lead as opposed to my being given that position, despite having demonstrated, more or less, that position in the previous bit. And also that I didn't receive a promotion to the previous level for that performance.

And I -- and when I looked around at male colleagues delivering the same leader -- similar leadership and team-driving roles, they were all of a higher level than I was at the time and being paid more highly.

Q. (By Ms. Hermle) H

1 paid?

2 A. That was based on my belief and being told that IT/ops PMs at  
3 a given level were paid less than their engineering  
4 colleagues of the same title and level.

5 Q. How many times did any manager at Microsoft ask you about  
6 your interest in moving from the IT/ops role to an  
7 engineering role?

8 A. More times than I can recall off the top of my head. It was  
9 a habit during the years of probably -- okay -- let's see --  
10 starting in -- possibly as far back as 2010, but definitely  
11 2011, all the way through the present, that at each midyear  
12 career discussion, conversation, I would have a conversation  
13 with my manager about whether or not the appropriate title  
14 for my role was a IT/ops PM or engineer or software design  
15 engineer in test or a PM in the engineering discipline.

16 Q. In any of those conversations, did you indicate a interest to  
17 moving to an engineering rather than an IT/ops title?

18 A. Yes.

19 Q. To whom?

20 A. To Ken Reppart, to Jing Sun, to Merrie McGaw, to ...

21 To make this answer a little clearer, I didn't  
22 necessarily say I wanted to do it right in that moment. But  
23 I did express a desire to consider it in the future.

24 But let me think who am I -- am I leaving anyone out.

25 I believe I may have even had that conversation with

1       Devindra, and I probably had it with Adrian Vinca as well.

2 Q. Once you expressed your interest --

3 A. Oh. I'm sorry. I forgot one more. Darla Hershberger. And  
4 Heather Arbon. Yeah.

5 Q. Once you expressed that you were ready to move to an  
6 engineering role, did you move to an engineering role?

7 A. I never said that I wanted to move to an engineering role at  
8 that moment.

9 Q. So you -- you were moved to an engineering role even though  
10 you had not expressed you were interested; is that correct?

11 A. My title was still IT/ops PM. Inasmuch as that's an IT/ops  
12 role and not an engineering role, I have not been moved.

13                  However, through those -- what are we talking about --  
14 since 2010, I have reported to what we would now consider an  
15 engineering manager, and the vast majority of the people on  
16 my team have been engineers as well, which also means that  
17 during each of these reorgs, my tasks have, for the most  
18 part, either -- my job responsibilities when I've left a job  
19 have mostly gone to engineers, as well as the fact -- as well  
20 as the jobs that I've taken on have been the previous  
21 responsibility of engineers.

22 Q. Did Jing Sun express to you her view of whether or not you  
23 should move to an engineering role?

24 A. I do recall her commenting that it -- she found the fact that  
25 I was an IT/ops role challenging because it made it harder to

1           calibrate me against my -- the other people who reported to  
2           her, who were all engineers, and that I was the first IT/ops  
3           PM to report to her so she was not -- not as familiar with  
4           the requirements of the job.

5       Q. Did she say anything encouraging you to move to an  
6           engineering role?

7       A. I recall her expressing support for it if I wanted to.

8       Q. What did you respond?

9       A. The conversation that I recall is prior to my most recent  
10          promotion, and I said that I do not want to change into an  
11          engineering role unless the "senior" title can come with it.

12           I also expressed reservations about the CSP -- well --  
13          so she expressed desire for me to have the title "engineer."  
14          We didn't talk specifically about changing my title to "PM"  
15          and -- "PM in engineering" or specifically what it would  
16          mean. It probably came up and she suggested that I go  
17          discuss that with PMs, other engineering PMs.

18           And going back to the transition from IT/ops PM to  
19          engineer, the "engineer" title within engineering, I asked  
20          her about whether or not I would be measured against the CSP,  
21          as I understood it, for the "engineer" title. "CSP" stands  
22          for "Career Stage Profile," which is sort of the universal  
23          job descriptions that Microsoft publishes for each role, and  
24          there's one for IT/ops PM and there's one for engineer.

25           And my perception is, the expectations of a engineer

1 feedback descriptions of applying the sort of unfair  
2 practices at Microsoft to sort of assess -- have different  
3 expectations of women in -- I mean, like the primary example  
4 for me, but it's not the only example, is in the sort of  
5 collaborative, nonaggressive way. So I feel like anytime I  
6 received feedback, that that was -- that my performance was  
7 negatively impacted by that feedback, that that was gendered.  
8 And so I would be looking for examples where they applied  
9 that bar of expected behavior to me in a way that I felt like  
10 they applied it differently to my male colleagues.

11 Q. (By Ms. Hermle) So to be clear: Was there ever performance  
12 feedback you got regarding improving communication or  
13 collaboration that was not impacted by gender bias?

14 MS. DERMODY: Object to form. Asked and  
15 answered.

16 THE WITNESS: All of the examples of that  
17 that I can recall at this time I believe were impacted by  
18 gender bias.

19 Q. (By Ms. Hermle) Was there ever any criticism of your  
20 communication style that you consider to be neutral and not  
21 impacted by bias?

22 MS. DERMODY: Object to form.

23 THE WITNESS: I'm trying to think of  
24 examples of times when I was given feedback on my  
25 communication style and whether or not I felt that those were

gender biased, and I'm not recalling any times where I felt like, when they were addressing specifically the style of communication, that it wasn't gender biased.

Q. (By Ms. Hermle) And was there ever a supervisor you had at Microsoft who, in your view, treated men and women the same in evaluating your performance?

MS. DERMODY: Object to form.

THE WITNESS: My perception is that all of my managers at Microsoft had a different expectation for men versus women in terms of the same things we've talked about before, communication style kind of things, and that they applied a different bar in terms of behavior expectations.

Q. (By Ms. Hermle) Other than what you've already told me about, were there any other promotions that were impacted, in terms of their timing, by your gender, in your view?

A. Okay. So we've already covered the first one.

### 0. Correct.

A. I also believe that the second one, which would have been the promotion to 60 -- I don't know if we covered that one yet -- would have been sooner if not for my gender.

Q. And before you leave that one, what makes you believe that?

A. That I felt like I saw other sort of male colleagues promoted above and beyond me, during that time frame, that didn't necessarily deserve it any more than I did.



1 Q. And for that promotion, who were those male colleagues?

2 A. I don't know that these male colleagues apply specifically to  
3 that time frame versus sort of that range of time frames, but  
4 in there, I believe [REDACTED] probably got promoted. Who  
5 would have been my other colleagues? Probably [REDACTED].  
6 These are all people that started at Microsoft at the same  
7 time I did and was still working on the CLR engineering team  
8 during that time frame. Probably [REDACTED]. He started a  
9 little bit after me and has been promoted above me. Those  
10 are the names that are coming to mind right now.

11 Q. Any other promotions other than what you've already told me  
12 about, Ms. Muenchow, that were in some way delayed or  
13 otherwise impacted by your gender?

14 A. So we've addressed 58. We've addressed 59. Oh. Sorry.  
15 59 -- 58 to 59. We've addressed 59 to 60. I'm not sure that  
16 I feel that way about the promotion from 60 to 61. I do feel  
17 that way to -- promotion from 61 to 62. I don't know if  
18 we've talked about that one previously.

19 Q. We have not.

20 And is it your belief that Ms. Hershberger should have  
21 promoted you before September of 2012 to Level 62?

22 A. Yes.

23 Q. Based on what facts?

24 A. When she promoted me, one of her comments about why I was a  
25 shoe-in for promotion was, that after having to take over a

1 good chunk of my job tasks while I was out, she had no idea I  
2 was doing so much and that she really missed me and I totally  
3 deserved this promotion. And the leave was -- yeah. Is 2012  
4 right? Yeah. Was the promotion? Whatever. Yeah. It was,  
5 you know, one of my leaves.

6 Q. What's the gender connection, in your mind, there?

7 A. That -- that -- well, I think mostly it has to do with the  
8 fact that the main feedback she had been giving me previous  
9 to that promotion, of areas I needed to improve, seemed  
10 gendered, the main thing that was, quote, holding me back,  
11 which was sort of the communication style.

12 Q. Okay. And any other promotions that you believe to have been  
13 impacted in some negative way by your gender?

14 A. Okay. So that was 61 to 62. Okay. So that gets us to  
15 62-63, which I think we already addressed. But the main  
16 point on why I believe my gender held me back there was,  
17 about six monthsish prior to my promotion, my main colleague  
18 who was at the same level as me was promoted. [REDACTED]

19 [REDACTED] was promoted to the next level, and I was not, and my  
20 perception was that I had delivered at least as good as, if  
21 not better, work than him in that prior period.

22 Q. What level do you believe you should be at now but for your  
23 gender?

24 A. What level do I believe I should be at now. I think that's a  
25 really hard thing to assess, because I think the resources

1 made available to you at each new level at Microsoft sort of  
2 accelerate your growth and give you opportunities to grow  
3 faster. And so, you know, if those resources had been made  
4 available to me at a much earlier time, I could imagine  
5 growing much faster and much more drastically, so -- above  
6 and beyond sort of what my performance is today.

7 In terms of, like, what do I feel like I'm  
8 demonstrating today in terms of level -- actually, going back  
9 to that first piece. Like, I've seen male colleagues who  
10 started at the same time at more or less the same level as me  
11 who are a principal. I don't know where in the "principal"  
12 band. So that seems like that would potentially have been a  
13 realistic place for me to be. At least that high.

14 Going back to my second part of the question. I -- you  
15 know, I'm -- I'm still kind of -- usually when I'm in each  
16 level, I only spend time really looking at what the one level  
17 up above requires delivery on and I'm new enough to my  
18 current level that I haven't really spent time looking at  
19 what the next level requires.

20 So I would -- I would want to sit down and read through  
21 the sort of CSP and description and have some of those  
22 conversations before I felt comfortable speaking to whether  
23 or not I could achieve those -- that -- whether or not I feel  
24 like I'm performing at that next level today, or any higher  
25 level.

1 Q. When you say the "principal" level would be a realistic place  
2 for you, or at least that high, you're talking about  
3 Level 65?

4 A. I -- I'm not really sure exactly what level the "principal"  
5 band includes, but I believe it's 65 and 66.

6 Q. So your belief is, had you been afforded these opportunities  
7 free from gender bias, you would realistically be at Level 65  
8 or 66?

9 A. I think that potential could have been there, yeah.

10 Q. Could you look at Exhibit 19, please. Is Exhibit 19 a  
11 résumé you created for yourself?

12 A. I don't specifically remember creating this one, but this  
13 looks like potentially something that I would have written.

14 Q. Do you recall for what purpose you created it?

15 A. Going back to my earlier comment, I've been told that it's a  
16 good idea to always have a current résumé on hand, and so  
17 periodically throughout my career, I've gone and updated my  
18 résumé to make sure I have all those facts down. So I don't  
19 know that this was created for any specific reason outside of  
20 that. It might have been. I don't know.

21 Oh. Actually, I'm seeing at the end of the page that  
22 it's from LinkedIn. So yeah, I make it a practice to keep my  
23 LinkedIn profile up to date.

24 Q. Would you look at Exhibit 20, please. This purports to be a  
25 training transcript for you. Do you recognize this as a

1 training transcript?

2 A. I've certainly never seen this before in this form, I don't  
3 think.

4 Q. Okay. If you could take a look at the activities on the  
5 left, I'm going to ask you if you have some recollection of  
6 attending these activities. And the first one is going to be  
7 the second listed there, which is "Grace Hopper Conference  
8 Follow Up Sessions." Did you attend Grace Hopper follow-up  
9 sessions in 2015?

10 A. I don't recall -- well, attended a -- a meeting in which  
11 people who attended Grace Hopper shared some of what  
12 happened. So that's probably what that is.

13 Q. The next one is "D&I Live Case Study." Did you attend a  
14 Diversity and Inclusion Live Case Study in 2015?

15 A. Yes.

16 Q. The next one is "Unconscious Bias Portfolio." Did you attend  
17 an Unconscious Bias Portfolio in 2015 at Microsoft?

18 A. Unconscious Bias. I don't recall any in-class session like  
19 that. If it was an online thing, I might have done it.

20 Q. Okay. Did you -- did you attend "Address Your Unconscious  
21 Bias"?

22 A. My -- same thing with this. There might have been some  
23 online comment -- content that I did with relation to this,  
24 but I don't believe there was an in-person session.

25 Q. So if I understand you, you believe that the Unconscious Bias

1 saying you believe you may have and you don't remember  
2 whether you did or not?

3 A. I know that I've had conversations to that extent. Now,  
4 I'm -- I'm -- given Alain and I's habit to talk about things,  
5 it's very likely that we did, and I don't want to  
6 misrepresent that we didn't have those conversations when we  
7 did.

8 My specific recollections of actual conversations with  
9 Alain from at least six -- six to ten years ago are not in  
10 detail. But they seem like the kind of topics we would have  
11 covered and the things that would have been top of mind that  
12 I know I talked with people during that time frame.

13 Q. But you have no specific recollections of talking to him  
14 about those topics in that time frame; is that accurate?

15 A. I have specific recollections of talking with him in the  
16 kinds of things that we talked about with the feedback that  
17 were gendered expectations around behavior. I don't have  
18 specific recollections of talking with him about behavior  
19 norms in general and how that was disparate impact at  
20 Microsoft.

21 Q. Did Mr. Raitt ever say anything to you that you would  
22 consider to be retaliatory?

23 A. That I consider to be retaliatory. No.

24 Q. Did he say anything to you at any time that conveyed to you  
25 he was not sympathetic with your concerns?

1 A. No. If anything, I would say he expressed frustration with  
2 the system that led to these discriminatory practices.

3 Q. And was it your perception that he agreed with you that  
4 discrimination is rampant at Microsoft?

5 A. That was my perception.

6 Q. What did you discuss with Darla Hershberger about  
7 discrimination at Microsoft?

8 A. I had roughly the same types of conversations.

9 Q. In all of those conversations, did she convey to you the  
10 perception that she agreed with you that there was gender  
11 discrimination at Microsoft?

12 A. Yes. In fact, at times, she conveyed the perception that she  
13 also was negatively impacted by it.

14 Q. And when did she convey that to you?

15 A. She -- okay. I clearly recall this conversation. The most  
16 likely person I had it was -- with was Darla Hershberger. I  
17 don't specifically recall that it was Darla Hershberger.  
18 That at some point, I was told that it can be very  
19 challenging for a manager to promote their employees  
20 appropriate -- a female manager specifically -- promote their  
21 employees in calibration meetings and promotion meetings  
22 because of fear of how that will negatively impact their  
23 perception as being too assertive.

24 Q. When was this conversation?

25 A. I very specifically remember hearing this conversation -- I

1 remember hearing a manager say that. I don't specifically  
2 recall the actual conversation of which manager that was.

3 But I believe it was -- my -- my best guess in terms of  
4 who I had that conversation with is that it was likely Darla  
5 Hershberger and likely sometime in the -- let's see. Maybe  
6 late 2011, possibly into two thousand -- wait. When did she  
7 leave? She left -- I think -- I -- I don't remember if she  
8 left at the end of -- so it may be 2012.

9 Q. What is causing you to believe that this conversation might  
10 have been between you and Ms. Hershberger versus someone  
11 else?

12 A. That I recall having con- -- more detailed conversations with  
13 Darla Hershberger about the compensation process than with  
14 any other manager I had at Microsoft.

15 Q. Did Ms. Hershberger ever convey to you that she was not  
16 sympathetic to your concerns about discrimination?

17 A. Most of the concerns I can remember raising with her, she  
18 expressed sympathy toward. I'm trying to think if there were  
19 times when she wasn't sympathetic. I'm not recalling any.

20 Q. What do you understand your responsibilities to be as someone  
21 who wishes to represent a class?

22 A. To -- to represent the class, to hold the sort of -- the  
23 benefit of the class on par or better than my -- any benefit  
24 of my personal self, and to speak for them -- I feel like I'm  
25 forgetting something, but I can't -- that's all I can recall

1 guidance they were given in a policy way or by their managers  
2 or how much oversight their managers had in creating those  
3 feedback --

4 Q. (By Ms. Hermle) And when --

5 A. -- that feedback.

6 Q. And when you say the managers were responsible for giving a  
7 complete view of the feedback, what's the complete view that  
8 you're referring to?

9 A. They weren't -- it was their job to summarize the feedback,  
10 so not necessarily provide every specific quote, especially  
11 in the form of removing details that specifically identified  
12 my colleagues who provided the feedback.

13 And it's my understanding, though, that they weren't --  
14 they were not guided to specifically -- if I received a piece  
15 of -- a style of feedback, they -- that they needed to  
16 represent it in some way in my review.

17 Q. What was the practice and policy that you were -- you  
18 referred to that required managers to give the complete  
19 feedback?

20 A. I don't know the specific guidance or policy that they were  
21 given. But I do recall managers saying that -- that it was  
22 an important part of the annual feedback process that they  
23 incorporate feedback from people and requesting that and --

24 So there was two parts to that. One was that it was  
25 important for me to submit a set of colleagues and -- and

1 other managers that -- to give -- provide feedback. And it  
2 was their job to solicit additional feedback and make sure  
3 that it was appropriately included in the reviews.

4 Q. Why do you say that [REDACTED] had the view that women and men  
5 were treated differently at Microsoft?

6 A. Based on the conversation we had.

7 Q. What did you say and he say in that conversation?

8 A. So there's a training we take at Microsoft -- I need to give  
9 this little background to explain the conversation -- where  
10 we learn our strengths. And in particular, his strengths  
11 were -- was in sort of the green area, which is to say, sort  
12 of like building consensus, cooperation. And I used to  
13 regularly go to him for feedback on emails to ensure that I  
14 was including green communication style in my emails.

15 And -- and at the time, we talked about unfair  
16 expectations around my email as compared to my male  
17 colleagues, that they had to be both greener, cooperative,  
18 and also sort of happy and yellow cheerfulness as compared to  
19 my male colleagues who could write very pointed and assertive  
20 emails and wouldn't get negative feedback on them.

21 Q. And when was this?

22 A. It would have been sometime between 2012 and 2014. Oh. No.  
23 He left before then. Maybe -- oh, yeah. Oh, yeah. No. No.  
24 2014. Sorry. Yes.

25 Q. So the list that you've just given us in response to your

1           counsel's question started with Mr. Raitt. Who is  
2           Mr. Wilkie?

3           A. He is a manager on the CLR engineering team. He's an  
4           engineering manager.

5           Q. [REDACTED] is the same [REDACTED] we saw in your  
6           email --

7           A. Yes.

8           Q. -- regarding the person who has the DNR (sic)?

9           A. That's correct.

10          Q. And who is [REDACTED]?

11          A. He was a colleague -- I think the office [REDACTED] to  
12           mine -- between -- well, somewhere again in that window of  
13           [REDACTED]

14          Q. Who is [REDACTED]?

15                           What's [REDACTED] first name?

16          A. [REDACTED].

17          Q. Oh. [REDACTED].

18                           Who is [REDACTED]?

19          A. He was a colleague of mine starting way back, perhaps as far  
20           back as [REDACTED]. I'm not sure exactly when it started. And we  
21           worked off and on through [REDACTED] maybe.

22          Q. What's his first name?

23          A. [REDACTED].

24          Q. And who is [REDACTED]?

25          A. [REDACTED] is another colleague. He also -- I worked off

## 1 C E R T I F I C A T E

2 STATE OF WASHINGTON )

3 ss. )

4 COUNTY OF THURSTON )

5  
I, the undersigned Washington Certified Court  
6 Reporter, pursuant to RCW 5.28.010, authorized to administer  
oaths and affirmations in and for the State of Washington, do  
7 hereby certify:8 That the foregoing deposition of HOLLY A. MUENCHOW  
was taken before me and completed on June 22, 2016, and  
9 thereafter was transcribed under my direction; that the  
deposition is a full, true and complete transcript of the  
10 testimony of said witness, including all questions, answers,  
objections, motions and exceptions;11 That the witness, before examination, was by me  
12 duly sworn to testify the truth, the whole truth, and nothing  
but the truth, and that the witness reserved the right of  
13 signature;14 That I am not a relative, employee, attorney or  
counsel of any party to this action or relative or employee  
15 of any such attorney or counsel and that I am not financially  
interested in the said action or the outcome thereof;16 That I am herewith securely sealing the said  
17 deposition and promptly delivering the same to Attorney  
LYNNE C. HERMLE.18 IN WITNESS WHEREOF, I have hereunto set my hand  
19 this 29th day of June, 2016.20  
21 *David A. Hart*22 David A. Hart, CCR, RPR  
23 Certified Court Reporter No. 2007  
in and for the State of Washington,  
residing at Yelm.  
24  
25